GO-TO-MARKET & PRICING

Transfer price and market price are different objects

A market price can inform transfer pricing, but it is not automatically the answer. Start with the transaction, functions, risks and terms.

Sinan Isoglu, MBA (Quantic)

Commercial growth leader, lecturer and doctoral researcher

PUBLISHED
1 September 2026

READING TIME
12 min

WORDS
2,559

https://isoglu.com/insights/journal/transfer-price-and-market-price-are-different-objects/

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MANAGEMENT SUMMARY

A market-facing price and a transfer price can be compared, but they answer different questions. The OECD 2022 guidelines place the arm's-length principle inside a tax-purpose analysis of associated enterprises. The United Nations Practical Manual describes comparability as first delineating the controlled transaction and then comparing it with uncontrolled transactions. A list price, customer quote, commodity reference, or internal invoice is therefore evidence to examine, not an automatic conclusion. This article maps the decisive fields and states what the sources do not settle: it gives no jurisdiction-specific tax advice, price recommendation, or use of private employer data.

Keywords: Transfer pricing · Market price · Arm's-length principle · Comparability analysis · Functional analysis

Two business units can write the same number in two different documents. One calls it a customer price. The other calls it a transfer price. The shared number does not make the objects identical.

A market price describes a condition observed or negotiated in a market-facing exchange. A transfer price describes a condition assigned inside a relationship between associated enterprises and examined for a tax purpose. The first can be evidence for the second. It does not become the second automatically.

The practical answer is therefore a sequence: name the relationship and purpose, accurately delineate the controlled transaction, identify the functions, assets, risks, terms, and circumstances, then decide whether a comparable uncontrolled transaction is reliable enough for the question. The OECD and the United Nations both make that order visible (OECD, 2022; United Nations Department of Economic and Social Affairs, 2021).

Why does internal organizational structure alter the fundamental pricing object?

The word price hides the relationship around the exchange. A supplier offers a product to an independent customer. Two companies in the same group move a product, service, license, loan, or risk between them. The number on an invoice may look similar. The decision context is not.

The external customer price is usually part of a commercial exchange. It reflects the offer, customer, channel, terms, service promise, timing, competition, and the parties' willingness to transact. It may be public, negotiated, or visible only to the parties. A market-facing price is therefore an observation with a boundary.

The transfer price belongs to a controlled transaction. The arm's-length principle asks what conditions independent enterprises would have agreed in comparable circumstances. The OECD presents this as an international transfer-pricing standard for tax purposes among associated enterprises (OECD, 2022). That purpose matters. A transfer-pricing analysis does not exist to tell a commercial team what its next customer should pay.

The distinction prevents two opposite errors. A finance team can treat a public price as a ready-made answer. A commercial team can treat an intercompany price as though it were a customer-facing market signal. Both errors replace an object with a label.

What does the arm's-length principle compare under empirical tax standards?

The OECD's comparison is not simply a comparison of two numbers. It is a comparison between the conditions of a controlled transaction and the conditions independent enterprises would have agreed in comparable circumstances. Price is one condition. Contractual terms, functions, assets, risks, property or services, economic circumstances, and business strategy can change the comparison.

The United Nations Practical Manual makes the same boundary especially useful for readers who want an operating sequence. It describes comparability analysis as "two distinct but related analytical processes". The first develops an understanding of the accurately delineated transaction. The second compares the prices and other conditions with uncontrolled transactions in comparable circumstances.

That wording changes what counts as an early task. The analyst does not begin by searching for a number that resembles the invoice. The analyst begins by asking what transaction actually occurred, who did what, what each party controlled, and what circumstances shaped the exchange.

Why must commercial teams accurately delineate transactions before seeking market benchmarks?

The first evidence record should be a transaction description, not a price column. Keep at least these fields separate:

- Relationship: independent customer, associated enterprise, distributor, service company, licensor, borrower, or another role.
- Purpose: commercial exchange, internal allocation, tax analysis, management reporting, or a combination that needs to be separated.
- Property or service: what moved, including its quality, scope, duration, availability, and restrictions.
- Contractual terms: volume, timing, currency, credit, warranty, delivery, renewal, termination, and adjustment terms.
- Functions, assets, and risks: what each party actually performs, uses, controls, funds, and bears.
- Economic circumstances: market, geography, competition, regulation, supply, demand, and business-cycle context.
- Strategy: market entry, maintenance, penetration, capacity protection, restructuring, or another declared strategy.

This is not paperwork around the real analysis. It is the analysis's first object. The OECD's functional analysis asks for economically significant activities and responsibilities, assets used or contributed, and risks assumed, with attention to what the parties actually do. A contract label can be wrong, incomplete, or overtaken by conduct.

The United Nations manual makes the conduct point explicit. Where written terms do not fully define the arrangement, the terms may need to be understood through correspondence, communications, the economic relationship, and conduct. That is why an internal invoice marked service fee cannot settle what service was provided, who performed it, or which risk was accepted.

Why is a public list price merely contextual evidence rather than a comparable price?

Consider four tempting inputs: a public list price, a customer quote, a commodity reference, and an internal invoice. Each can be useful. None is self-authenticating.

A list price describes an offer boundary. It may exclude discounts, credit, delivery, service, volume, or channel conditions. The associated-enterprise transaction may include a different bundle, different timing, and different responsibility for inventory or customer support.

A customer quote describes one negotiation. It may reveal a market-facing condition, but the quote's validity period, concessions, customer risk, volume, and service terms belong beside the number. A quote from an independent customer can become more informative after those fields are compared. It does not become a comparable because the product name matches.

A commodity reference describes an external market signal. The reference may be useful when the product, grade, location, timing, delivery, and adjustment logic line up. It can be a poor guide when those differences are material or when the associated transaction contains functions and risks that the reference does not observe.

An internal invoice describes an assigned condition. It can be evidence of what the parties recorded. It does not prove that the recorded condition is arm's length, and it does not reveal the full transaction by itself. The purpose of the invoice and the purpose of the market observation remain different.

The OECD says that "transfer pricing is not an exact science". That sentence is not permission to be vague. It is a warning against false precision when the transaction or comparable information is incomplete.

Which five comparability factors govern defensible transfer price analysis?

The United Nations manual identifies five comparability factors: the characteristics of the property or service, contractual terms, functions with assets and risks, economic circumstances, and business strategies. The OECD describes a closely related field set. The value of the list is not that it produces a score. The value is that it exposes why two prices may not answer the same question.

The product or service field asks whether the thing transferred is actually the same object. A software license, implementation service, support commitment, and bundled outcome may sit under one commercial name while carrying different rights and burdens. A physical product can vary by quality, volume, availability, delivery, or warranty.

The contract field asks which conditions travel with the exchange. Payment terms can alter value and risk. Volume commitments can change the commercial condition. A warranty or return obligation can move work and risk between parties. These are not footnotes to the price.

The functions, assets, and risks field asks who performs the economically significant work. A distributor that owns inventory and develops a market is not the same object as an agent that introduces customers under a narrow mandate. A service center that bears delivery risk is not the same as a group entity that only coordinates access.

The economic-circumstances field keeps the market visible. Geography, competition, demand, supply, regulation, and timing can alter conditions without changing the product label. The strategy field asks whether a party is entering, maintaining, expanding, protecting, or restructuring a position. A price observation separated from these circumstances is a thinner observation than its decimal places suggest.

Why is benchmark selection only one part of an auditable transfer pricing defense?

The OECD places the search for comparables after understanding the transaction and its functions. Its typical process moves through transaction understanding, method selection, comparable identification, possible adjustments, and a remuneration or range, but the report says the reliability of the outcome matters more than following a compulsory ritual.

The United Nations manual adds two useful limits. Perfect comparables are often unavailable, and the absence of one does not by itself establish whether a controlled transaction is or is not at arm's length. An imperfect comparable may be useful if the difference can be addressed reliably. An adjustment that only creates the appearance of precision is not a remedy.

This changes the question from which public price matches to which differences matter for this decision and whether their effect can be understood well enough to improve the comparison. The answer may be yes, no, or not yet. The source set does not turn that judgement into a universal formula.

The distinction also protects commercial pricing work. The pricing architecture article treats the market-facing price as one layer beside promise, entitlement, terms, realised exchange, authority, and review. The dynamic-pricing boundary shows a related commercial distinction. GTM-07 uses a different object: the relationship and evidence needed before a controlled condition is compared with an external one.

How do compliance documentation and operational commercial strategy address opposing goals?

Documentation can also be confused when a group uses one word for several files. The OECD describes a three-tier structure: a master file for group-level context, a local file for material local transactions, and a Country-by-Country Report with aggregate allocation information. These documents are related. They are not interchangeable.

The master file can explain the group, its business, its intangible assets, financing, and broad policies. It does not replace transaction-level evidence. The local file connects a material local transaction to its parties, facts, functional analysis, method, and conclusion. The Country-by-Country Report provides aggregate information at the group and jurisdiction level. Aggregate information cannot silently become the terms of a specific transaction.

The documentation owner therefore belongs in the object map. A commercial team may own the external quote. A local finance or tax process may own the transaction analysis. A group reporting process may own an aggregate filing. The names vary by organization and jurisdiction. The evidence roles should not be collapsed.

How should finance and operations conduct a synthetic transfer-to-market comparison?

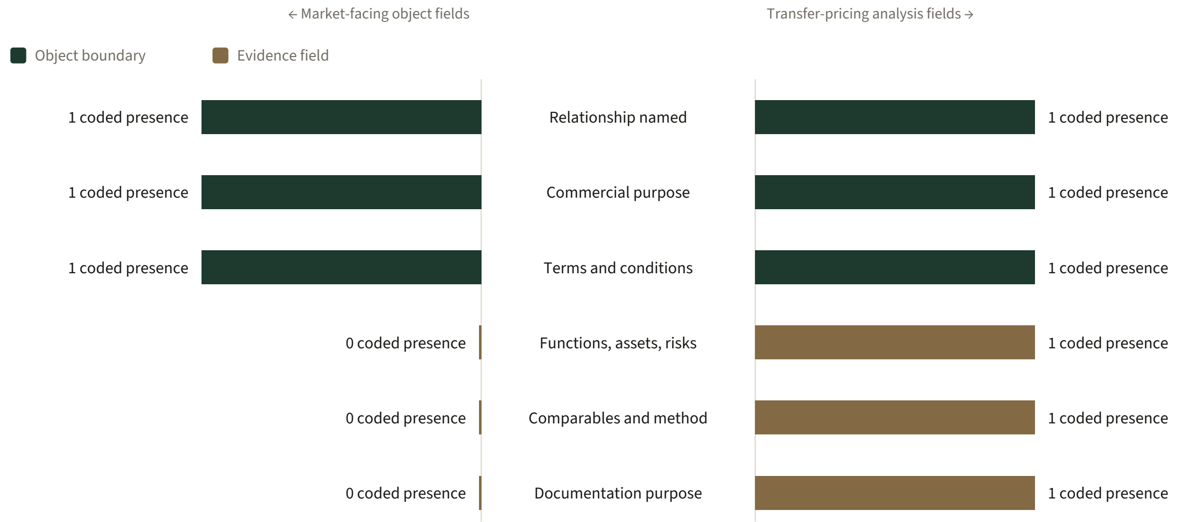
Imagine a group with a manufacturing entity and a distribution entity. The distribution entity also holds local inventory, provides customer support, and carries a return obligation. A public quote from an independent distributor shows a price for the same product family.

The quote is relevant evidence. It is not yet a conclusion. The group must first describe the controlled transaction: product grade, order volume, delivery, currency, credit, warranty, support, inventory, returns, market, and strategy. It must record who performs sales work, who controls inventory, who funds the stock, and who bears the downside when demand changes.

Now imagine a second quote for the same product with no support obligation and a shorter payment period. The product label is closer, but the transaction condition is not automatically closer. The relevant comparison may require an adjustment, a different method, another comparable, or a decision that the available evidence is not reliable enough.

The example is synthetic. It demonstrates the object test rather than an answer for a real group. The number should enter the record only after its relationship, purpose, conditions, and evidence status are visible.

Figure 1 Which price object is being compared?



Author's schematic presence coding grounded in OECD (2022) and United Nations (2021). A value of 1 means the field is central to the object in this framework; 0 means it is not the primary object. These are not observed prices or company data.

Which diagnostic object test must precede any internal transfer price quotation?

The following worksheet is an author framework. It is not a tax form and it does not generate a price. Run it when a public number is about to enter a controlled-transaction discussion.

Figure 2 The transfer-price object test

Test field	Question before comparison	Stop or continue signal
Relationship	Who transacted with whom, and are the parties independent or associated?	Stop if the relationship is a label with no entity or role.
Purpose	Is the number for a customer exchange, internal management, or tax analysis?	Continue only when the purpose is explicit.
Transaction	What property or service, terms, timing, and conditions were actually exchanged?	Stop if the invoice is the only description.
Functions, assets, risks	What does each party do, use, control, fund, and bear?	Stop if conduct cannot be described.
Circumstances and strategy	Which market, geography, competition, timing, or strategy changes the comparison?	Continue only when material context is named.
Comparable field	Which uncontrolled transaction is comparable, and which differences remain?	Stop if similarity is only a product name.
Method and adjustment	Why is the method suitable, and can any adjustment improve reliability?	Stop when adjustment creates false precision.
Documentation owner	Which file or record carries group context, local transaction evidence, or aggregate reporting?	Continue only when document roles stay distinct.
Decision	What decision is the comparison meant to inform, and what would disconfirm it?	Stop if no decision or challenge exists.

Author's framework grounded in OECD (2022) and United Nations (2021). The prompts are synthetic reader inputs; no transaction values are supplied.

The first useful action is not to copy a number. Write one sentence that names the relationship, one sentence that names the purpose, and one line for each material condition. If the market-facing quote still matters after that, keep it as an input with its source, date, and limitations.

The second action is to make the comparison challengeable. Ask which difference could change the result, whether its effect can be assessed reliably, and what evidence would cause the team to use a different comparable or pause the analysis. The United Nations manual says adjustments should improve reliability, not decorate an otherwise weak comparison.

Figure 3 Three records, three decisions

MARKET OBSERVATION Source, date, counterparty, price or condition, and visible terms.	CONTROLLED TRANSACTION Relationship, property or service, functions, assets, risks, terms, circumstances, and strategy.	COMPARISON DECISION Comparable, method, adjustments, reliability, owner, review, and stop condition.

Five rows are blank reader inputs. A market observation is not a transfer-pricing conclusion until the controlled transaction and comparison decision are separately described.

Author's worksheet grounded in the documentation and comparability boundaries in OECD (2022) and United Nations (2021). Blank fields are reader inputs; no legal or company conclusion is supplied.

Where are the legal and empirical limits of transfer pricing literature?

The OECD 2022 guidelines and the United Nations 2021 manual support a disciplined object distinction. They do not determine the price of a named company’s transaction. They do not answer which method a particular jurisdiction requires in a live case. They do not convert a public quote into a legal conclusion. The United Nations manual also includes country-practice material, but that material does not turn this article into domestic advice.

The reliable conclusion is smaller and more useful: a market price can inform a transfer-pricing analysis, but only after the relationship, purpose, transaction, functions, risks, circumstances, comparables, method, and documentation are named. If those fields are missing, keep the number as an observation and do not promote it to an answer.

OECD. (2022). OECD transfer pricing guidelines for multinational enterprises and tax administrations 2022. OECD Publishing. https://doi.org/10.1787/0e655865-en

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END OF ESSAY

HOW TO CITE THIS ESSAY

Isoglu, S. (2026, September 1). Transfer price and market price are different objects. Sinan Isoglu. https://isoglu.com/insights/journal/transfer-price-and-market-price-are-different-objects/

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Sinan Isoglu, MBA (Quantic)
Commercial growth leader, lecturer and doctoral researcher